

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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Steve Miller :
vs : No. 81-4275-FW
Kevin M. Flynn, et al. :
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DEPOSITION OF KEVIN M. FLYNN, taken
on behalf of the Plaintiff pursuant to notice
under the Federal Rules of Civil Procedure,
before Jocelyn S. Harhay, a Shorthand Reporter
and Notary Public in and for the Commonwealth
of Massachusetts, at the Offices of Silverplate
& Gertner, 33 Broad Street, Boston,
Massachusetts, commencing at 11:00 a.m., on
Tuesday, April 13, 1982.

1 MR. RANDOLPH: He said he wasn't sure.

2 A No. I said I don't believe I did.

3 Q Do you know one way or another, Mr. Flynn?

4 A I don't believe so I used the word.

5 Q Is there some reason why you don't use this word, Mr.
6 Flynn?

7 A Well, if -- I don't believe I use the word because I
8 think probably the definition is -- involves kidnapping
9 and false imprisonment.

10 Q Is that how you define it?

11 A I think so, yes. When I think about it, I think so.

12 Q When did you first have contact with Mr. Bernard Miller?

13 A It was sometime in November, late November I think.

14 Q Of what year?

15 A 1980.

16 Q Who contacted who?

17 A Mr. Miller contacted me.

18 Q Was that by telephone, by letter? How did he contact
19 you?

20 A By telephone.

21 Q And tell me everything that he said and everything that
22 you said in that conversation.

23 A As best I can remember, I'll tell you.

24 He identified himself. He explained who he

1 was.

2 Q What did he say about who he was?

3 A He just mentioned that he was -- he had a son who was
4 involved in the Church of Scientology -- he was -- his
5 wife I think was on the phone too -- that he was -- he
6 knew about us, and he had researched that I had done
7 quite a bit of research on the Church of Scientology.

8 I don't recall how he got my name. I think
9 it was through a newspaper, newspaper articles or
10 something to that effect.

11 He explained briefly what the situation was
12 with his son, how he was in the Church; and he had been
13 talking to his son patiently off and on. And he was
14 very concerned about his son's health. He felt that --
15 not just mental health but physical health -- that he
16 had been involved in the Church for a number of years.
17 And now that he had read that a lot of information about
18 the Church had recently come up -- come out, and he
19 knew that -- or he discussed the fact that probably I
20 had most of the information concerning the organization
21 in the country; and he wanted to come up and speak about
22 that and about what he could do to get this information
23 to his son.

24 And he told me that he'd like to get his son

1 out of the Church of Scientology because of dangers it
2 had within, you know, the organization.

3 So I remember telling him that it wasn't
4 uncommon to get a phone call such as his. I was
5 probably talking to as many as five or ten parents or
6 spouses or whatever who had children or spouses in the
7 Church of Scientology, and they were constantly
8 requesting information.

9 Q Was that five or ten a week?

10 A Per week, I'm sorry, at that time.

11 And he asked if he could come up and meet
12 with me to talk about it further and find -- at that
13 time he wanted to educate himself a lot more on the
14 Church of Scientology and find out about some of the
15 criminal activities that the organization had been
16 involved in which had just recently come out.

17 And he asked what would, you know, what the
18 opportunities and possibilities were to get the
19 information to Steve and what would the effect be, what
20 would happen.

21 And I told him that he is welcome to come up
22 and speak about it. And I asked I think for a little
23 bit of information about him only because of the fact
24 that this organization has a group within it called the

1 Millers and^o probably receipts, maybe some receipts.

2 Q When is the last time you looked in that file?

3 A I would say more than a year ago.

4 Q Would you explain to me, when a client comes in, I take
5 it that you open a file on them, correct?

6 A Can I explain something? When you say "client," I don't
7 have any clients. I mean I -- I believe I might have a
8 file for the Millers as I mentioned, but I don't
9 normally open up a file for something like this. If I
10 open up a file, it's generally for just former members.
11 Those are the files that I open up.

12 Q Is your testimony that Mr. Miller or by the time that he
13 walked out of that office was not a client of yours?

14 A Oh, I wouldn't -- I don't know. I don't -- you'd have
15 to ask Mr. Miller.

16 Q I'm asking you.

17 A I just answered. I don't know whether he considered
18 himself to be a client.

19 Q Did you consider him to be a client of yours?

20 A I would say at that point, no.

21 Q Had he agreed to pay you a retainer fee for services?

22 A I don't believe so at that date.

23 Q Had you agreed to provide services for him, Mr. Flynn?

24 A Absolutely. I agreed to help him if I could.

1 Q Had you agreed to provide services for him?

2 A What services? I don't understand.

3 Q Any type of services whatsoever.

4 A Yes. I would say yes.

5 Q And did he agree to pay you for those services?

6 A I just answered your question at that point. I don't
7 know. I don't remember.

8 Q You don't remember whether he agreed to pay you?

9 A It may have been a conversation shortly thereafter. It
10 may have been that day. I'm trying to be as exact as
11 I can. I don't recall whether it was there or maybe in
12 a conversation shortly thereafter.

13 Q When you say a conversation shortly thereafter, that
14 would be a telephonic conversation; is that correct?

15 A True. That's correct.

16 Q At some point in time prior to January of 1981, did you
17 agree to provide services to the Millers for a fee?

18 A Yes.

19 Q What were those services to be?

20 A They would be to provide the Millers with a complete
21 background, essentially an education of the Church of
22 Scientology's activities, to review all our documents
23 or documentations concerning most of which were quotes
24 from Washington, D.C. after the F.B.I. search of the

1 Church of Scientology in 1977 which was about 15,000
2 documents.

3 Q You agreed to review those documents for them?

4 A Yes, for them.

5 Q Hadn't you already done that?

6 A I mean piece mail for certain pieces of information.

7 Q What else?

8 A Let's see. We discussed his son. I was to interview
9 former scientologists, former -- excuse me -- former
10 members of the Church to determine if they knew of
11 Steve Miller and what they knew about him.

12 And I was to contact other former members that
13 would be willing to talk to Bernie Miller about their
14 actual experiences in the Church and with the hope of
15 having these fellows and this information given to the
16 Millers and some of the documentation concerning
17 criminal activities and publications of the Church of
18 Scientology concerning its fair game law which, you know,
19 we'll get into maybe later and disconnect policies and
20 other former members' experiences aside from the people
21 who would be coming to speak with him -- who would be
22 willing to speak to the Millers and their son if he was
23 willing. And those were the services I was to provide.

24 Q And haven't you missed some, Mr. Flynn?

1 A Did I miss some?

2 Q Yes.

3 A Not at that point I don't believe so.

4 Q Didn't you agree to make all the arrangements for this
5 meeting between -- strike that.

6 One of the people who you told Mr. Miller
7 that would be handling this would be Joseph Flannigan,
8 correct?

9 A Would be handling this? He would be one of the persons
10 at that point of our conversation that we're talking
11 about that would be -- would go and speak to Bernard
12 Miller.

13 Q Right. And to his son, correct?

14 A And to his son if he was willing, that's correct.

15 Q Now, didn't you agree to handle all of the travel
16 arrangements, hotel arrangements: you would handle
17 everything in terms of getting all these parties
18 together, correct?

19 A Not in this conversation.

20 Q At this time, was that a service that you were going to
21 provide to Mr. Miller?

22 A In a later conversation, that's correct.

23 Q Is that a service that you provided to Mr. Miller?

24 A That's correct.

1 Q And you did that for a fee, correct?

2 A Well, I did. Most of my fee concerned the other items
3 I just discussed with you. Providing the arrangements
4 for having Flannigan and this fellow, Osler, meet with
5 Mr. Miller was something I did. We just talked about it
6 between the two of us, and I agreed I'd put them
7 together.

8 Q You agreed to set up this whole thing for Mr. Miller for
9 a fee, isn't that a true statement?

10 MR. LEVINE: I'm going to object to the
11 characterization as to the "whole thing" unless you define
12 what you mean.

13 MR. RANDOLPH: All right.

14 Q I'm referring to the situation in which Steve Miller
15 would be confronted with these persons whom you've
16 referred to as ex-scientologists and the information
17 that you had about them. You agreed with Mr. Miller to
18 set up all of the arrangements for this, correct; and
19 you would do this for a fee, correct?

20 A Along with the other things I mentioned, correct.

21 Q So all of the things now that you have listed so far
22 fall under the category of services that you would
23 provide to Mr. Miller for a fee, is that correct?

24 A Correct.

1 Q What was that? What did you tell Mr. Miller that fee
2 would be?

3 A I believe I told him it would be approximately \$10,000.

4 Q Now, these various individuals, Joe Flannigan and people
5 who would assist him, would receive their payment from
6 you; is that correct?

7 A That's correct.

8 Q And you would make all the arrangements for travel and
9 the hotel, correct?

10 A I -- that's correct.

11 Q That's a service that you would provide?

12 A That's part of the service.

13 Q At this in-person conversation with Mr. Miller, did you
14 ask Mr. Miller to give you a deposit?

15 A No.

16 Q You discussed the fee at that initial conversation,
17 correct?

18 A No. That's what I'm saying. I don't believe I did.
19 I don't recall discussing the fee with him at that point.
20 I may have, but I thought it was a later conversation
21 shortly thereafter that I discussed a fee.

22 Q Mr. Flynn, Mr. Miller came up and had a conversation
23 with you in which he said he needed help: What can you
24 do? And you said, This is what I can do. Didn't he

1 then say, AFI right. Now that I know, what's this going
2 to cost me?

3 Didn't he say that?

4 A You're asking me if I remember, and I'm saying that I
5 don't recall him saying that. There may have been some
6 conversation along the line of there will be some cost
7 to get the information to you. And, you know -- but,
8 again, any discussion of amounts or the fact of what the
9 fee would be I think happened in a conversation shortly
10 thereafter on the telephone.

11 Q So to the best of your recollection, there was no
12 discussion of a fee in this in-person meeting; is that
13 your statement?

14 A Again, I believe it was a telephone conversation
15 thereafter.

16 Q Well, how were things left at the end of this in-person
17 meeting?

18 A That I was going to call them.

19 Q And tell them what?

20 A And I think we were -- I was going to send them some
21 information, some preliminary information about what
22 Scientology was all about. And I think I did that. And
23 then I think we discussed on the phone -- I think I may
24 have said, Well, let me, you know, see what I can do and

1 think about what I can do, etc. And then I'll get back
2 to them.

3 Q That's your recollection? You said that to Mr. Miller?

4 A Again, I really don't recall that particular meeting
5 whether we discussed what you're asking. I thought it
6 was in a conversation thereafter, but it might have been
7 in a meeting.

8 Q Would reviewing the file refresh your recollection as to
9 the events which occurred regarding this case?

10 MR. LEVINE: Which file are you talking about?

11 MR. RANDOLPH: The Miller file.

12 A I doubt it. Again, it may; but I doubt it. There's not
13 very many things in there.

14 Q Will you provide that file in this deposition, please?

15 A Sure.

16 MR. LEVINE: Can he do it tomorrow?

17 Q Can you bring that with you tomorrow?

18 A I'd be glad to.

19 Q Okay. Directing your attention again to this file, you
20 indicated there may be some notes in there, there may
21 be some correspondence in there, and there may be some
22 receipts in there.

23 Is there anything else in that file that you
24 think exists?

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1 Q And then you paid some expenses, and you paid some
2 individuals for the services provided to Mr. Miller,
3 correct?

4 A Correct.

5 Q And were those individuals paid by check out of the
6 F.A.M.C.O. account?

7 A Correct.

8 Q And where are those records of that account at this time?

9 A Probably in my office.

10 Q Would you be so kind as to provide the records of the
11 account in this deposition tomorrow?

12 A Sure.

13 Q Did F.A.M.C.O. have numerous transactions -- strike that.

14 When did F.A.M.C.O. come into existence -- we
15 should start there -- approximately?

16 A October maybe of 1980. Maybe September.

17 Q Since its beginning in October or September of 1980
18 until now --

19 A Huhm, huhm.

20 Q -- has F.A.M.C.O. had a number of clients?

21 A Yes.

22 Q Can you estimate the number of clients?

23 A Three.

24 Q One being Mr. Miller, correct?

1 A Bear, Cole, and Miller.

2 Q Have there been any clients since then for F.A.M.C.O.?

3 A No.

4 Q And these were the first three and the only three,
5 correct?

6 A Yes.

7 Q Have you ever used anyone else besides Joe Flannigan in
8 a similar capacity as you used Joe Flannigan in these
9 three instances?

10 A I used a number of former members, you know, to talk
11 to people if -- or it wasn't necessarily people -- well,
12 let me answer that it's sort of a broad answer. The
13 answer is yes.

14 Q And when I say in a similar capacity, had you made
15 arrangements for former members to go and have
16 conversations with current scientologists?

17 MR. LEVINE: You mean current at the time the
18 discussions were made?

19 MR. RANDOLPH: Yes, of course.

20 A Yes.

21 Q Now, F.A.M.C.O. has never paid others besides Joe
22 Flannigan, is that correct?

23 A No, that's incorrect.

24 Q F.A.M.C.O. has paid others besides Joe Flannigan?

1 A Right.

2 Q In the Bear and Cole matters, did F.A.M.C.O. pay anyone
3 else besides Joe Flannigan?

4 A Maybe -- let me see. In Bear it may have paid Pat
5 Osler. I'll have to go back and look at it. I just
6 - don't remember.

7 Q Well, you indicated earlier that to the best of your
8 knowledge in Bear Joey Flannigan acted alone. Is there
9 a possibility that Pat Osler assisted him in Bear?

10 A That's true. He may have assisted him. Again, I'm not
11 sure. I'd have to check.

12 Q And by checking in the checkbook, that would determine
13 whether he, Osler, got a check; right?

14 A Right.

15 Q If Osler got a check around the time of Bear, that would
16 lead you to believe that he worked in the Bear case;
17 right?

18 A Right.

19 Q Do you have a checkbook in which to the left-hand side
20 you make a notation as to what the check's being written
21 for?

22 A Yes.

23 Q I assume you would indicate that the check was being
24 written, and it was to come out of the funds that Bear

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